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**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

-----X	
BYRON HUART and KEVIN HUART,	:
	:
<i>Plaintiffs,</i>	:
	:
v.	:
	:
	:
THE GREAT ATLANTIC & PACIFIC TEA	:
COMPANY, INC., A&P, TONY ALIBRONDO,	:
JOHN BINCELLETO, JOHN DOES 1-15	:
(fictitious entities), and XYZ CORPORATIONS	:
1-5 (fictitious entities),	:
	:
<i>Defendants.</i>	:
-----X	

CIVIL ACTION NO.: 10-5437 (FSH)(PS)

**DECLARATION OF
JOHN P. BARRY, ESQ.**

I, JOHN P. BARRY, an attorney duly admitted to practice law before this Court, hereby declares, pursuant to 28 U.S.C. §1746:

1. I am a member of the firm of Proskauer Rose LLP, attorneys for defendant The Great Atlantic & Pacific Tea Company, Inc., and individual defendants John Bincoletto and Anthony Alibrando (collectively, "Defendants") in this matter. I make this declaration in support of Defendants' Fed. R. Civ. P. 12(b)(6) motion to partially dismiss Plaintiffs' Amended Complaint with prejudice.

2. Attached hereto as Exhibit A is a true and correct copy of the Amended Complaint filed with the Superior Court of the State of New Jersey on October 7, 2010 and removed to this Court on October 21, 2010.

3. Attached hereto as Exhibit B is a true and correct copy of plaintiff Byron Huart's administrative charges against defendant The Great Atlantic & Pacific Tea Company, Inc. filed with the Equal Employment Opportunity Commission.

I certify that under penalty of perjury that the foregoing statements made by me are true and correct.

Dated: November 11, 2010
Newark, New Jersey

s/ John P. Barry
John P. Barry